



---

CITY OF MORGAN HILL

---

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov) / Email: [General@ch.morgan-hill.ca.gov](mailto:General@ch.morgan-hill.ca.gov)

## PLANNING COMMISSION MEETING MINUTES

### REGULAR MEETING

JULY 24, 2001

**PRESENT:** Benich, Lyle, McMahon, Mueller, Sullivan, Weston

\_\_\_\_\_  
**ABSENT:** Acevedo

\_\_\_\_\_  
**LATE:** None

\_\_\_\_\_  
**STAFF:** City Attorney (CA) Leichter, Planning Manager (PM) Rowe, Deputy  
Director of Public Works (DDPW) Keaton, and Minutes Clerk Johnson

Chair Sullivan called the meeting to order at 7:03 p.m.

### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

### OPPORTUNITY FOR PUBLIC COMMENT

Chair Sullivan opened the public hearing.

There being no persons present to address the Commissioners, the public hearing was closed.

### MINUTES:

**JULY 10, 2001**

**COMMISSIONERS MUELLER/McMAHON MOTIONED TO APPROVE THE JULY 10, 2001 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 2: Paragraph 5: (add) **Commissioner Mueller also indicated, for informational purposes, that the Water Tower was erected in 1935.**

Page 2: Paragraph 5: (add) **During discussion Commissioner Weston requested PM Rowe to investigate whether, if any type of work were done on the structure, the Uniform Building Codes (UBC) would have to be met?**

**THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, McMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO**

**OLD BUSINESS:**

**1. EOT/VAR-99-03: MONTEREY-VISION OF WRIGHT (OAK GLEN PLAZA)** Reconsideration of a request for a one-year extension of time on the approval of a variance from the minimum required rear yard setback for a proposed building addition to the existing Oak Glen Plaza commercial center. The project is located at the southwest corner of Wright Avenue and Monterey Road in the CG, General Commercial district.

PM Rowe gave the staff report, providing a brief history of this matter. He reminded that the request this evening only deals with the request for a one-year extension of time, not the building set-backs or other items of concern previously raised: landscaping, parking, trash receptacles and perceived intrusion onto the alley way. He said that the variance had been approved with a valid one-year period ending on February 8, 2001. Prior to the expiration date, the applicant filed an application requesting an extension of time on the variance approval. Because of concerns raised, the Commissioners voted 5 - 1 to deny the extension of time. Upon appeal to the City Council, a revised site plan was presented which appeared to deal with some of the concerns of the Planning Commission. Because the revision had not been seen by the Planning Commission, the City Council returned the matter.

On June 26, 2001, the Commissioners reconsidered the variance/extension request and determined that the revised site plan would support an extension of the original variance approval. The matter tonight includes a Resolution for approval, which staff was directed to prepare for the meeting this date.

Commissioners had been presented with a letter dated July 20, 2001, wherein a nearby property owner objected to the proposal and requested denial of the extension. The letter, PM Rowe said, indicated concern reflective of those raised by the Commissioners.

Commissioners asked PM Rowe to clarify specific issues: the difference in the variance size [with regard to the increased length of the variance - now currently 42-feet], details regarding the time lines of the extension request, and the need for a current, specific plan to be given to the Commissioners for discussion.

Chair Sullivan opened the public hearing.

Raj Khanna, 19130 Legend Ct., owner of the property introduced his engineer, T.K. Singh, 305 Hazelton Ct., who responded to issues previously raised: why there was doorway access to the alley; this seems to indicate deliveries from the alley (Mr. Singh said that is the design at the present time, that the door now exists and that would add convenience. There would be no heavy trucks, that the deliveries would be in light pick-up trucks and vans.) The doorway, Mr. Singh said, has always been there as shown on the plans. He did not bring current plans for the Commissioners to peruse this evening. However, both Mr. Khanna and Mr. Singh said the new plans were substantially the same as the old plans.

Commissioner Weston commented that having current plans would facilitate the Commissioners work in open session.

Joe Picazo, 17610 Hill Road, circulated a series of photographs of the alley. He indicated that he had sent a letter to the Commissioners which PM Rowe said had been given to each of the Commissioners. Mr. Picazo said he has several concerns as his property at 20 Wright Ave. is the most affected by the proposal. He said his concerns include: set-backs, parking, flooding/water draining, safety (he noted there was a recent incident when a fire engine had difficulty accessing the alley), health (trash and debris concerns were again discussed). He requested the Commissioners deny the request for extension.

Philip Picazo, 20 Wright Ave., addressed the Commissioners, repeating the concerns raised by the previous speaker. He also questioned why codes adopted by the City were not being enforced in this matter.

T.K. Singh said that the codes had been met with the original design.

With no others wishing to speak, the public hearing was closed.

PM Rowe responded to questions regarding parking, stating that the City regulates the number of parking spaces for both retail and office. If there are not enough parking spaces in the current design, the size of the building must be reduced. The design will be reviewed by the Architectural Review Board (ARB). PM Rowe also responded to questions regarding the review by the Fire and Police Departments, noting that both departments were sent the plans as part of the standard City review. He commented that the Fire Department had not made specific comment regarding the deliveries to the rear of the building (onto the alley). PM Rowe added that Planning Staff remains concerned about parking and the alley access.

PM Rowe reiterated that the request this evening only deals with the request for a one-year extension of time, not the building set-backs or other items of concern previously raised: landscaping, parking, trash receptacles and perceived intrusion onto the alley way.

Commissioner Weston said the pictures shown by Mr. Picazo clearly show the need for improvement. He asked if there have been attempts at compromise? Commissioner Weston also stated that he believes the building should be further back from the alley and that no doors should open onto the alleyway.

Commissioner Mueller commented that the new design is more refined, that many of the issues on the alley really belong to code enforcement. He noted that the establishment has been commercial for a "long time" with the alley door promoting good egress to the outside of the building. Commissioner Mueller said he is concerned with the narrowness of the building and "sees the need for minimizing the variance to 42-feet total".

After considerable discussion, Commissioners focused on adding a paragraph to section three of the proposed resolution which will read: Modifications to be completed only up to 42-feet or more from Wright Ave.

**COMMISSIONERS MUELLER/LYLE MOTIONED TO OFFER RESOLUTION NO. 01-55 WHICH NOW INCLUDES THE MODIFICATION REGARDING THE DISTANCE FROM WRIGHT AVE. (MINIMUM OF 42 FEET), SETS THE EXTENSION TO JULY 24, 2002, AND SENDS THE RESOLUTION, AS**

**MODIFIED, TO THE ARCHITECTURAL REVIEW BOARD FOR EXAMINATION AND INPUT. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN; NOES: WESTON; ABSENT: ACEVEDO**

**2. ZA-00-21/** A request for approval of a tentative map, zoning amendment and development  
**SD-00-19\DA-00-13:** agreement for a 5-lot subdivision on a 2.5-acre parcel located on the west side of Nina  
**NINA LANE-SHAW** Lane, north of Barrett Ave. and south of San Pedro Ave. in the R1-7000 RPD District.

PM Rowe provided the staff report, saying the applicant is proposing three single-family lots ranging from 12,353 sf to 15,000 sf and two duet corner lots ranging in size from 4,227 sf to 5,490 sf. Also being sought is a rezoning amendment to add a Residential Planned Development (RPD) overlay which would allow for a reduction of the minimum 6,000 sf lot size for each duet on a corner lot to a minimum of 4,200 sf, with the two lots in aggregate measuring the required 9,000 sf as outlined in the Zoning Ordinance of the City. PM Rowe further explained the access to the proposed change, noting the proposed subdivision will be consistent with the general character of the area while providing good transition between the two adjacent residential zoning districts to the west and east.

PM Rowe called attention to the Standard Conditions, noting that if the action suggested is adopted this date, Standard # 6, on page 10 (Other Conditions) should be deleted. He further noted a time-schedule change on page 15 of the Development Schedule would be necessary.

Chair Sullivan opened the public hearing.

Dan Shaw, 21613 Stevens Creek Blvd., Cupertino, identified as the property owner, addressed the Commissioners, requesting clarification of several items in both the Standard Conditions and the Development Schedule, e.g., adjustment of dates, the need for an acoustical analysis, the requirement of fire sprinklers, further noting that pollution control requires assistance from the Water District.

Commissioner Lyle asked if the layout of the parcel plan would make it possible to move the northern boundary of the duet housing? Mr. Shaw replied it would be possible if there would be enough room for setbacks.

With no others present to address the issue, the public hearing was closed.

Commissioners discussed the proposal, noting there was the issue of whether the project was of "exceptional design" as noted in the staff report. In answering questions, PM Rowe explained that an RPD is required to create duets on corner lots, and this would enhance the transition of lot size and density. He also noted that the rear setbacks for existing residences exceed the minimum requirements. While commenting further on the reason for the RPD request, PM Rowe said the adjusted lot size will provide better affordability due to lot size reduction.

**COMMISSIONERS MUELLER/McMAHON MOTIONED TO ADOPT THE NEGATIVE DECLARATION. THE MOTION PASSED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT, WITH ACEVEDO ABSENT.**

**COMMISSIONERS MUELLER/McMAHON MOTIONED TO ADOPT RESOLUTION NO. 01-52, WITH AN ADDED SECTION: SEVEN (7) WHICH WOULD INDICATE THAT PARCEL #3 IS INCREASED TO 4,500 SF AND THE SQUARE FOOTAGE LIMITATION FOR PARCELS 2 AND 3 IS INCREASED TO 10,000; ALSO ADDED WAS SECTION EIGHT (8) (WHICH WAS INSERTED FOR CLARIFICATION) ALLOWING THE RPD BECAUSE THE PROPOSAL INCREASES AFFORDABLE HOUSING IN THE CITY AND ENHANCES TRANSITION TO THE 1-ACRE HOMES TO THE EAST OF THE DEVELOPMENT. THE MOTION PASSED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT, WITH ACEVEDO ABSENT.**

**COMMISSIONERS MUELLER/McMAHON MOTIONED TO ADOPT RESOLUTION NO. 01-53, INCLUSIVE OF CHANGES TO THE STANDARD CONDITIONS AND DEVELOPMENT AGREEMENT AS OUTLINED BY STAFF AND IN DISCUSSION. THE MOTION PASSED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT, WITH ACEVEDO ABSENT.**

**COMMISSIONERS MUELLER/LYLE MOTIONED TO ADOPT RESOLUTION NO. 01-54. THE MOTION PASSED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT, WITH ACEVEDO ABSENT.**

At this time, due to a large contingent in the audience wishing to hear item 5, the matter was taken out of order.

**5. UP-75-17:  
WRIGHT-FIRST  
ASSEMBLY OF  
GOD**

Review of the conditional use permit for the First Assembly of God Church located at 145 Wright Ave. in the R-2 3,500 zoning district. The Planning Commission will be reviewing the conditions of approval for compliance and Church activities in response to a noise complaint.

PM Rowe gave the staff report, noting the Church has had operations at the Wright Ave. location for 25 years. He also provided a brief history of the use permits granted as a result of the Commission's actions. Tonight's matter, PM Rowe said, is the result of concern voiced at the June 26, 2001 meeting, as well as correspondence received which requests the review of the Conditional Use Permit with possible amendment. Of specific concern, PM Rowe said, is the noise generated from the skate boarding activities that occur on the Church property during the Church's Friday Night Youth activities program, noting that the request specifically addresses the elimination of condition 11 of the use permit. PM Rowe informed that the matter has long been of concern to the City Council, as well, and Mayor Kennedy appointed Councilmen Tate and Sellers to a subcommittee to resolve the conflicts. He indicated that the Councilmen have been active in trying to mediate the matter.

Commissioners questioned the need for an overall noise restriction policy for the City. CA Leichter explained that the city has a noise ordinance and that there is also action available according to the Penal Code of California dealing with excessive noise. She further explained how local activities are permitted through the use permit process of the City, noting that the City Council is trying to address and resolve the issue globally in mediation with the Homeowners and the Church helping to set the standard for others.

CA Leichter also addressed how Federal legislation regarding religious activities affect and play into decision making by the Planning Commission. She indicated that when the negotiations by the Council subcommittee are completed, the Commissioners can expect a confidential memo regarding the matter.

Chair Sullivan noted that the Commission has heard the matter several times and this evening will hear the current concerns, with no vote being had. She further indicated that letters had been received from the following persons at the beginning of tonight's meeting and would be provided to Commissioners:

Susan Hartle, 197 Del Monte Court

Carolee Carter, 183 Del Monte Lane

Richard Robbins, 177 Del Monte Lane

Jason Smith, 149 Del Monte Lane

It was noted that all the letter-writers lived adjacent to the Church property.

Chair Sullivan opened the meeting to public comment.

Richard Robbins, 177 Del Monte Ln., spoke to the Commissioners, asking that section 4, item 11 of the use permit be deleted. He said the Church used to have the Friday night event from 6 - 9 p.m. during July and August, plus occasional other nights. Now however, the event(s) have grown and become overly loud. Mr. Robbins said that because of the loud noise he is not able to "have a life in my own house on Friday nights". He said he has called police but is told that because of the use permit (section 4, item 11 ) they are unable to do anything. Now, Mr. Robbins said, he and the neighbors have learned that the Church is revamping the concert-skateboard area to be made even more user friendly - that ramps are being added which will probably attract even more skateboarders. Addressing Commissioner's questions, Mr. Robbins said that the time of complaints to the police last summer was 7:30 - 8:00 p.m., but the loud music and noise continues later now. He also stated that members of the condominium community had met with Church officials in March, 2001 and had been in contact with City officials as well, but no resolution has occurred.

Laurie Stamm, Del Monte Lane, told Commissioners she is a resident of the Meadows Condominium complex and lives on the south side of the development. She has e-mailed Councilman Sellers who responded that he continues to work on the problems. Ms. Stamm said she strongly objects to the skateboarders and the matter has now become so intense that it is detrimental to the health and safety of residents of the development. She must, she said, leave her home on Friday night and not return home until after 9:00 p.m., which is unacceptable. Noting that the small school has grown and grown, Ms. Stamm said that with a gym in place and the noise levels of Friday night, the situation is unacceptable. There must be, she said, some restriction on noise and activities - there needs to be resolution.

Sammy Vazquez, 1405 Wright Ave, told Commissioners he is the Senior Pastor of the First Assembly of God Church. The Church has complied with the terms of the use permit; the activities help to accomplish the mission of the Church. Church leaders, he said, are concerned that the residents of the condominium want to restrict the use; that would be very difficult to do. Rev. Vazquez spoke of the benefits the Church's outreach provides to the City, noting the Church has no desire to be a bad neighbor, and that

concessions have been made already. Commissioners asked Rev. Vazquez to provide an overview of the uses planned for the auditorium/gymnasium and additional outreach into the community; he complied with the request.

Carolee Carter, 183 Del Monte Lane, described the signage placed to keep visitors to the Church off the fences and prohibit those visitors from climbing into the complex. She stressed she is not opposed to the Church's mission of giving hope, but is against blatant disregard of the needs and wishes of the residents. Ms. Carter said there appears to be a lack of promise keeping regarding the use permit while increasing programs are being in violation of City ordinances.

CA Leichter clarified that the City ordinances exempt the Church from obtaining an entertainment permit for the live band on Fridays, but the noise and disturbance-of-the-peace issues are still operable and viable.

With no others present to speak to the issue, the public hearing was closed.

Commissioners asked staff a variety of questions regarding the noise issues, the progression of building on the Church site, how long the skateboarders had been using the facility, what rights the City has in issuing the use permits, etc.

CA Leichter indicated that under the City ordinances, non-profit organizations and charities are exempt from live entertainment permits and can provide entertainment as part of their outreach efforts. She said that in addition to Councilmen Tate and Sellers, Chief of Police Schwab is actively involved in attempting resolution of the problems. CA Leichter also said that if condition 11 were eliminated from the use permit, there would be no restrictions on skateboards.

Commissioners reached agreement, following discussion, that the matter should be handled as the City Council has indicated. Stressing the need for compromise, Commissioners expressed disappointment that this issue was back, having heard the issues twice before within two years. It was emphasized by all Commissioners present that the Subcommittee report will be studied carefully when it is received, which is anticipated to be at the first meeting in September.

At this time, due to a large contingent in the audience wishing to hear item 6, the matter was taken out of order.

**6. UPA-99-11:** A request for approval of an amendment to the conditional use permit to allow for the  
**LLAGAS-SHADOW** operation of a Jr. K-8th grade (60 students) private school at the existing facility located  
**MT. BAPTIST** on the south east corner of the intersection of Llagas Rd. and Hale Ave. in the R-1 7,000  
**CHURCH** zoning district.

PM Rowe presented the staff report, reminding Commissioners that on February 8, 2000, the Shadow Mt. Baptist Church received approval of a conditional use permit to bring the existing 5,365 sf church into compliance with the zoning, and allowed a 3,600 sf addition. The proposed addition consisted of a separate classroom building to be used for Sunday School purposes. Tonight's request, PM Rowe said, is for a request for approval of an amendment to the conditional use permit to allow for the operation of a Jr. K - 8 grade (50 students and 8 teachers/staff) private school at the existing facility located on the south-

east corner of the intersection of Llagas Rd. and Hale Ave. Commissioners reviewed a request for a housing project proposed on the southwest quadrant of the intersection of Llagas Rd. and Hale Ave. During the review, PM Rowe said, the Commissioners expressed concerns of the potential for increased traffic and how it would “fit” with the use permit requested by the Church to allow for a school.

Chair Sullivan opened the public hearing.

Pastor Max Hudson, 280 Llagas Ave, told Commissioners that operations for a school are limited because the building can’t accommodate that many persons. Nor, he stressed, is there a goal for increased/larger enrollment. Pastor Hudson told Commissioners that the school would mainly serve Church members. Responding to questions, Pastor Hudson said that in the best case scenario of success, the total enrollment would probably never exceed 50 students. Commissioner Weston commented that the space would restrict the capacity to 72 persons.

Judy Shanley, 1885 The Alameda, Suite 204, San Jose, who works for David J. Powers and Associates, was asked to address specific points in the traffic analysis regarding the proposed school and the effects of traffic increase on the school and the proposed nearby development. She explained the methodology used in the traffic analysis. Commissioners expressed continuing concerns regarding the traffic increase at the intersection.

Because of the concern, the Commissioners agreed that the use permit must contain language limiting the student enrollment to 50.

The public hearing was closed by Chair Sullivan when no other speakers were identified.

**COMMISSIONERS BENICH/MUELLER OFFERED RESOLUTION 01-50. COMMISSIONER LYLE REQUESTED AN AMENDMENT: THE ADDITION OF FLEXIBILITY FOR ADDING HOURS (BEGINNING AND ENDING SCHOOL HOURS) TO STRENGTHEN LANGUAGE OF THE USE PERMIT; FURTHER THAT THERE BE A RESTRICTION ON “STACKING” CARS ON LLAGAS; THAT A PARKING LOT MUST ACCOMMODATE ALL CARS FOR DELIVERING/PICKING UP STUDENTS OR THAT THE HOURS FOR DELIVERING/PICKING UP STUDENTS BE STAGGERED. COMMISSIONERS BENICH/MUELLER INCLUDED THE AMENDMENT INTO THE MOTION, WHICH WAS ADOPTED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT, WITH ACEVEDO ABSENT.**

Because of the linkage of items 3 and 4, PM Rowe asked to present them simultaneously; Commissioners agreed to this request.

**3. ZA-00-17/  
SD-00-14/  
DA-00-09:  
LLAGAS-DELCO** A request for approval of a 27 lot subdivision, precise development plan and development agreement for a single family housing project proposed on a 16.5 acre parcel located on the south side of Llagas Rd., approximately 400 ft. west of the Hale Ave. and Llagas Rd. intersection. The project is located in the R-1 7,000 zoning district. A Mitigated Negative Declaration is proposed for the project.

**4. ZA-00-18/  
SD-00-15/** A request for approval of a 13 lot subdivision, precise development plan and development agreement for a single family attached housing project proposed on a 4.14



**DA-00-10: HALE-DELCO/SHENG** acre parcel located on the west side of Hale Ave., approximately 1,400 ft. south of the Hale Ave. and Llagas Rd. intersection. The project is located in the R-2 3,500 zoning district. A Mitigated Negative Declaration is proposed for the project.

PM Rowe presented the staff report, with Commissioners asking questions centering mainly on the traffic analysis. PM Rowe indicated that a series of mitigations/conditions were warranted for application to the Llagas-Delco project (see #s 1 and 2 below), and noted that the 13-unit Hale-Delco project would be too small to warrant such mitigation.

1. Prior to the issuance of building permits for Phase I of the Llagas-Delco project, a traffic warrant study for the Wright/Hale intersection shall be completed by the developer to the approval of the Director of Public Works.
2. If the warrant study concludes that a signal is currently necessary, a signal shall be installed by the developer at the Wright/Hale intersection prior to the issuance of the Phase II building permits for the Llagas-Delco project. The developer will be responsible for the design and installation of the signal. The developer shall be reimbursed by the City for the installation costs of the signal that exceed the project's traffic impact fees {add: but not to exceed the maximum signal construction fee identified in the traffic impact study; the cost index is to be based on the current year construction cost based on the PMC}.

Also, PM Rowe continued, the mitigation measures outlined will be forwarded to the ARB and no action will proceed on the project before the final map is approved by the Planning Commission. He also discussed with the Commissioners the provisions for affordable housing which is required as part of the project. Regarding continuing concerns of traffic issues, PM Rowe called on Judy Shanley. Ms. Shanley explained the methodology used, including the times of the traffic analysis acceptability ranges, and statistical variances.

Chair Sullivan opened the public hearing.

With none present wishing to speak, the public hearing was closed.

Commissioners expressed consternation regarding the times, including am/pm and dates, indicating these might not have been logical choices for the highest and best data. Commissioners also wondered about the validity of the presented analysis, saying that there was indication that even with the addition of increased traffic, there was still a finding of insignificant count increased. PM Rowe responded that the two proposed high schools will both require EIRs, which will include a broadened traffic analysis for the area.

Commissioners also raised issues relating to points awarded in the Measure P process, e.g., creek channel improvements, pathways and the possible need for ARB study of the project(s).

**COMMISSIONERS LYLE/MUELLER MOTIONED TO ACCEPT THE NEGATIVE DECLARATION. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO.**

**COMMISSIONERS LYLE/MUELLER MOTIONED ADOPTION OF**

**RESOLUTION NO. 01-42. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO.**

**COMMISSIONERS LYLE/MUELLER MOTIONED ADOPTION OF RESOLUTION NO. 01-43, WITH THE ADDITIONAL REQUIREMENT OF SECTION J 2 IN STANDARD CONDITIONS AND #4 (OTHER CONDITIONS). THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO. NOTE: The inclusion of Section J2 (Standard Conditions) was the result of an amendment offered by Commissioners Mueller/McMahon and accepted by all Commissioners present with Acevedo absent.**

**COMMISSIONERS LYLE/MUELLER MOTIONED ADOPTION OF RESOLUTION NO. 01-44, WITH NUMBERING BEING CORRECTED AS WARRANTED. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO.**

**COMMISSIONERS LYLE/MCMAHON MOTIONED ADOPTION OF RESOLUTION NO. 01-45. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO.**

**COMMISSIONERS LYLE/BENICH MOTIONED ADOPTION OF RESOLUTION NO. 01-46, WITH THE INCLUSION OF SECTION J2 (STANDARD CONDITIONS). THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO.**

---

**NOTE: BY CONSENSUS OF ALL COMMISSIONERS PRESENT, WITH ACEVEDO ABSENT, ITEM J 2 (GRADING) WAS INCLUDED INTO OTHER RESOLUTIONS AS WARRANTED AND DEEMED NECESSARY BY STAFF.**

**COMMISSIONERS LYLE/BENICH MOTIONED ADOPTION OF RESOLUTION NO. 01-47, WITH THE INCLUSION OF SECTION J2 (STANDARD CONDITIONS), AND EMPHASIZING THE PREVIOUS COMMITMENT OF THE 30% FEE, AND WITH A BMR ON THE 8<sup>TH</sup> LOT. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO.**

**7. ZA-00-19/ SD-00-10/DA-00-05: MALAGUERRA-MANCIAS** A request for zoning amendment, subdivision, and development agreement approval for a 15-unit single family project located along the south side of Malaguerra Ave. in the R-1 (20,000)/RPD zoning district.

PM Rowe informed that the storm drainage issues have not been resolved; consequently, there is a request to postpone the matter until full information is received.

Chair Sullivan opened the public hearing, announcing that speaker cards had been received from Richard Oliver, 1556 Morning Star Dr., and Rod Martin, 1525 Kennebec Ct. Both

potential speakers had been informed that lack of data would likely result in postponement of the item and had reserved the option of speaking at a future hearing.

With no others present to address the issue, the public hearing was closed.

**COMMISSIONERS LYLE/BENICH MOTIONED TO CONTINUE THE ITEMS TO THE AUGUST 14 HEARING ON ZA-00-19/SD-00-10/DA-00-05: MALAGUERRA-MANCIAS, DUE TO LACK OF CURRENT DATA REGARDING STORM DRAINAGE ISSUES. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO.**

**NEW BUSINESS:**

**8. SELECTION OF COMMISSIONER TO SERVE ON HOUSING ELEMENT TASK FORCE**

Commissioners Mueller and Weston volunteered to serve on the Housing Element Task Force. This being agreeable with the other Commissioners, **it was unanimously decided by consensus, to recommend to the City Council that Commissioners Mueller and Weston be appointed to the Housing Element Task Force.**

**9. POSSIBLE CANCELLATION OF AUG. 28, 2001 COMMISSION MEETING**

Following discussion, there was agreement, **by consensus, to cancel the August 28, 2001 Planning Commission meeting.**

**ANNOUNCEMENTS:**

Chair Sullivan reminded that the appointment to the Burrowing Owl Committee was contingent on Commissioner Benich's affirmation of the position. Commissioner Benich graciously accepted.

Commissioner Mueller reported that in spite of repeated attempts, there had been no success in locating pictures of the original Madrone Water Tower.

Commissioner Weston reiterated, for the record, his concern about structure compliance with current (UBC) codes. "If the structure is touched," he asked, "will there be a necessity to upgrade the structure to current codes?"

**ADJOURNMENT:** There being no further business, Chair Sullivan adjourned the meeting at 10:20 p.m.

**MINUTES RECORDED AND PREPARED BY:**

---

JUDI H. JOHNSON  
Minutes Clerk

PLANNING COMMISSION MINUTES

JULY 24, 2001

PAGE -12-

---